

Multiple claims. If a complaint asserts multiple claims which involve different subject matter divisions of the circuit court, the cover sheet for that division which is most definitive of the nature of the case should be selected and completed.

COVER SHEET
STATE OF ARKANSAS
CIRCUIT COURT: CIVIL

The civil reporting form and the information contained herein shall not be admissible as evidence in any court proceeding or replace or supplement the filing and service of pleadings, orders, or other papers as required by law or Supreme Court Rule. This form is required pursuant to Administrative Order Number 8. Instructions are located on the back of the form.

County: GARLAND FILING INFORMATION District: 18E Docket Number: CV 2012-211
Judge: Wright Division: I Filing Date: 3-7-2012
Plaintiff: Chambers Bank Defendant: Q. Byrum Hurst, JR.; Rita Hurst; Commissioner of Revenue, State of Arkansas, USA, IRS

Attorney Providing Information: Patrick McDaniel 311 DeQueen Street, Mena, AR 71953
 Plaintiff Defendant Intervenor Address

Litigant, if Pro Se: _____ Address _____
Related Case(s): Judge _____ Case Number(s) _____

Type of Case:

- | | | |
|---|--|--|
| Torts
<input type="checkbox"/> (NM) Negligence: Motor Vehicle
<input type="checkbox"/> (NO) Negligence: Other
<input type="checkbox"/> (BF) Bad Faith
<input type="checkbox"/> (FR) Fraud
<input type="checkbox"/> (MP) Malpractice
<input type="checkbox"/> (PL) Product Liability
<input type="checkbox"/> (OD) Other _____ | Equity
<input checked="" type="checkbox"/> (FC) Foreclosure
<input type="checkbox"/> (QT) Quiet Title
<input type="checkbox"/> (IJ) Injunction
<input type="checkbox"/> (PT) Partition
<input type="checkbox"/> (OT) Other _____ | Miscellaneous
<input type="checkbox"/> (CD) Condemnation
<input type="checkbox"/> (RE) Replevin
<input type="checkbox"/> (DJ) Declaratory Judgment
<input type="checkbox"/> (UD) Unlawful Detainer
<input type="checkbox"/> (IN) Incorporation
<input type="checkbox"/> (EL) Election
<input type="checkbox"/> (FJ) Foreign Judgment
<input type="checkbox"/> (WT) Writs _____
<input type="checkbox"/> (AA) Administrative Appeal
<input type="checkbox"/> (CF) Property Forfeiture
<input type="checkbox"/> (RD) Remove Disabilities
<input type="checkbox"/> (NC) Name Change
<input type="checkbox"/> (OM) Other _____ |
|---|--|--|

- Contracts**
 (IS) Insurance
 (DO) Debt: Open Account
 (PN) Debt: Promissory Note
 (EM) Employment
 (OC) Other _____

Jury Trial Requested: Yes No Manner of Filing: Original Re-open Transfer
 Return from Federal/Bankruptcy Court

DISPOSITION INFORMATION

Disposition Date: _____ Bench Trial Non-Trial Jury Trial

- | | | |
|---|---|--|
| Judgment Type:
<input type="checkbox"/> (DJ) Default Judgment
<input type="checkbox"/> (SJ) Summary Judgment
<input type="checkbox"/> (CJ) Consent Judgment
<input type="checkbox"/> (TJ) Trial Judgment
<input type="checkbox"/> (OJ) Other Judgment
<input type="checkbox"/> (PG) Petition Granted
<input type="checkbox"/> (PD) Petition Denied
<input type="checkbox"/> (DF) Decree of Foreclosure | Dismissal Type:
<input type="checkbox"/> (DW) Dismissed with Prejudice
<input type="checkbox"/> (DN) Dismissed without Prejudice | Other:
<input type="checkbox"/> (TR) Transferred to Another Jurisdiction
<input type="checkbox"/> (RB) Removed to Bankruptcy Court
<input type="checkbox"/> (RF) Removed to Federal Court
<input type="checkbox"/> (AR) Arbitration |
|---|---|--|

Judgment For: Plaintiff Defendant Both Judgment Amount: \$ _____

Clerk's Signature
AOC 23 10-01
625 Marshall Street
Little Rock, AR 72201

Date _____

Send 1 paper or electronic copy to AOC upon filing.
Send 1 paper or electronic copy to AOC upon disposition.
Keep original in court file.

Effective 1-1-2002

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

FILED

CHAMBERS BANK

2012 MAR 7 AM 11 00

VS.

DOCKET NO. CV-2012-211-I

JENNIFER PIKE
GARLAND CO. CIRCUIT CLERK

Q. BYRUM HURST, JR.;
RITA HURST; COMMISSIONER OF REVENUE,
DEPARTMENT OF FINANCE AND
ADMINISTRATION, STATE OF
ARKANSAS; and UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE

BY Becky Halsey

DEFENDANTS

AFFIDAVIT OF ACCOUNT

COMES NOW, the Plaintiff, CHAMBERS BANK, an Arkansas chartered bank, by and through its authorized representative, BEKKI LILES, Vice President, and for its Affidavit of Account pursuant to Arkansas Code Annotated §16-45-104, would state and show the following amounts are due and payable according to the business records of the Plaintiff:

Note executed by Q. BYRUM HURST, JR., as follows:

- Note No. 63422: The principal sum of SIXTY FIVE THOUSAND NINE HUNDRED SEVENTY THREE AND 69/100s DOLLARS (\$65,973.69); unpaid fees in the amount of SIX HUNDRED EIGHT ONE AND 03/100s DOLLARS (\$681.03); late charges and unpaid fees in the amount of THREE HUNDRED SIXTEEN AND 18/100s DOLLARS (\$316.18) as of March 1, 2012; accrued but unpaid interest through March 1, 2012, in the amount of FIVE HUNDRED AND 90/100s DOLLARS (\$500.90); and interest at 16.00% per annum, or currently \$29.32 per day, beginning March 2, 2012, and each day thereafter until paid.

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS
CIVIL DIVISION II
SUMMONS

CHAMBERS BANK

PLAINTIFF

VS.

DOCKET NO. CV-2012-211-I

Q. BYRUM HURST, JR.;
RITA HURST; COMMISSIONER OF REVENUE
DEPARTMENT OF FINANCE AND ADMINISTRATION,
STATE OF ARKANSAS; and UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE

DEFENDANTS

Plaintiff's Attorney: Patrick McDaniel
Page, Thraikill, and McDaniel
311 DeQueen Street
Mena, Arkansas 71953

THE STATE OF ARKANSAS TO DEFENDANT:

Q. Byrum Hurst, JR.
213 Woodbine
Hot Springs, AR 71901

1. You are hereby notified that a lawsuit has been filed against you; the relief asked is stated in the attached Complaint and Amended Complaint.
2. The attached Complaint and Amended Complaint will be considered admitted by you and a judgment by default may be entered against you for the relief asked in the Complaint unless you file a pleading and thereafter appear and present your defense. Your pleading or Answer must meet the following requirements:
 - a. It MUST be in writing, and otherwise comply with the Arkansas Rules of Civil Procedure; and
 - b. It must be filed in the Circuit Clerk's Office within 30 days from the day you were served with this Summons.
3. If you desire to be represented by an attorney, you should immediately contact your attorney so that an Answer can be filed for you within the time allowed.
4. Additional notices.


WITNESS my hand and the seal of the Court this 7 day of March, 2012.

Address of the Clerk's Office:

207 Courthouse
501 Ouachita Avenue
Hot Springs, AR 71901

Garland County Circuit Clerk
Jeannie Pike

SEAL


Garland County Circuit Clerk

By:



_____, D.C.

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

CHAMBERS BANK

VS.

DOCKET NO. 26CV-2012-211-I

PLAINT FILED
2012 MAY 29 10 42

GARLAND COUNTY CIRCUIT CLERK
BY *Richard Weiss*

Q. BYRUM HURST, JR.;
RITA HURST; COMMISSIONER OF REVENUE,
DEPARTMENT OF FINANCE AND
ADMINISTRATION, STATE OF
ARKANSAS; and UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE

DEFENDANTS

ANSWER TO COMPLAINT

For the Commissioner of Revenue, Department of Finance and Administration, State of Arkansas, comes Richard Weiss, Director, Arkansas Department of Finance and Administration, (hereinafter referred to as "DF&A"), by his attorney and for Answer to the Complaint states:

1. DF&A is without knowledge or information upon which to form a reasonable belief as to the truth or veracity of each and every averment in the referenced Complaint not admitted herein.

2. DF&A admits it may have an interest in and claim to the property being foreclosed, by reason of the following unsatisfied Certificate of Indebtedness, filed pursuant to Ark. Code Ann. § 26-18-701 (Supp. 1991).

<u>Name of Taxpayer</u>	<u>Type of Tax</u>	<u>Date of Certificate</u>	<u>Amt. of Tax Lien</u>
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Q B Hurst:

	Income	08/15/05	\$10,050.25
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3. A Certificate of Indebtedness creates a statutory lien having the force and effect of a circuit court judgment against all of the taxpayer's real and personal property located in said county.

WHEREFORE, DF&A consents to the entry of a decree provided that all parties be held to strict proof of their claims, that the priority of its lien(s) be declared, that its lien(s) be paid from the proceeds of the sale of the property foreclosed, for its cost and for all other proper relief to which it is entitled.

RICHARD WEISS, DIRECTOR
DEPARTMENT OF FINANCE
AND ADMINISTRATION
STATE OF ARKANSAS

BY: *Michael J. Wehrle*
MICHAEL J. WEHRLE, ABN 92036
Revenue Legal Counsel
P. O. Box 1272 (Rm. 2380)
Little Rock, AR 72203
(501) 682-7030

CERTIFICATE OF SERVICE

I, Michael J. Wehrle, do hereby certify that a true and correct copy of the above and foregoing Answer has been mailed postage paid to Patrick McDaniel, Page, Thrailkill, and McDaniel, Attorneys at Law, P.A., 311 DeQueen Street, Mena, AR 71953, Attorney for the Plaintiff, this 28th day of March, 2012.

Michael J. Wehrle
Michael J. Wehrle



STATE OF ARKANSAS
**Department of Finance
and Administration**

REVENUE LEGAL COUNSEL
Post Office Box 1272, Room 2380
Little Rock, Arkansas 72203-1272
Phone: (501) 682-7030
Fax: (501) 682-7599
<http://www.dfa.arkansas.gov>

March 28, 2012

Ms. Jeannie Pike
Circuit Clerk
Garland County Courthouse
501 Ouachita Avenue, Room 207
Hot Springs, AR 71901

RE: Chambers Bank vs. Q. Byrum Hurst, Jr., et al
Case No. 26CV-2012-211-I

Dear Ms. Pike:

Enclosed please find the original and two copies of our Answer for the Department of Finance and Administration in the above-captioned matter. Please file the original and return a "filed" copy to me in the self-addressed, postage-paid envelope provided.

Thank you for your assistance.

Sincerely,

A handwritten signature in cursive script that reads "Michael J. Wehrle".

Michael J. Wehrle, Attorney
Revenue Legal Counsel

MJW:dlm

Enclosures

cc: Mr. Patrick McDaniel
Page, Thrailkill, and McDaniel
Attorneys at Law, P.A.
311 DeQueen Street
Mena, AR 71953

Jeannie Pike -Circuit Clerk
Garland County, AR
Term/Cashier: CASH1/Gayla Halbey
03/07/2012 11:28AM
Tran: 90022
Total Fees \$0.00

IN THE CIRCUIT COURT OF GARLAND COUNTY, ARKANSAS

CHAMBERS BANK

PLAINTIFF

Book 17 Page 0290

VS.

DOCKET NO. CV-2012- 211-I

Q. BYRUM HURST, JR.;
RITA HURST; COMMISSIONER OF REVENUE,
DEPARTMENT OF FINANCE AND
ADMINISTRATION, STATE OF
ARKANSAS; and UNITED STATES OF
AMERICA, INTERNAL REVENUE SERVICE

DEFENDANTS

NOTICE OF LIS PENDENS

Notice is hereby given that CHAMBERS BANK, Plaintiff, has begun an action against the above named Defendants in the above styled case to foreclose upon the following described real property located in Garland County, Arkansas:

Tract 1:

A part of Lot 8 of Block 95 Hot Springs Reservation, as surveyed, mapped and platted by the United States Hot Springs Commissioners, more particularly described as follows: Commence at the intersection of Woodbine and Hawthorne Streets, run thence Easterly along Hawthorne Street for a distance of 47 feet; thence in a Southerly direction at right angles to Hawthorne Street 85 feet; thence Westerly in a straight line 68 feet, more or less to a point on Woodbine Street 70 feet Southwest from the point of beginning; thence along Woodbine Street 70 feet to the point of beginning.

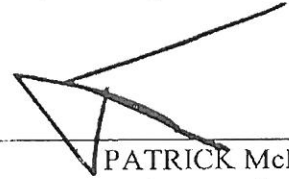
Tract 2:

A part of Lots 7 and 8 in Block 95 of the Hot Springs Reservation, Garland County, Arkansas: Beginning at a point on the Easterly side of Woodbine Street that is 70 feet Southwesterly from the Northeast corner of said Lot 8; thence South 50 degrees 18' 50" East a distance of 65.71 feet to a ½" rebar; thence South 24 degrees 10' 56" West a distance of 14.42 feet to a ½" iron pipe; thence South 62 degrees 06' 36" East a distance of 26.0 feet to a ½" pipe; thence South 24 degrees 33' 41" West a distance of 38.0 feet to a point located on concrete drive; thence South 65 degrees 49' 40" East a distance of 57.09 feet to center of metal fence post; thence South 52 degrees 06' 20" West along fence and back side of block retaining wall a distance of 41.0 feet to center of metal fence post; thence North 50 degrees 22' 20" West a distance of 149.94 feet to a ½" rebar on

Easterly R-O-W of Woodbine Street; thence North 38 degrees 41' 45" East along R-O-W a distance of 70.09 feet to a 1/2" rebar and point of Beginning. (According to survey by Wade Spainhour, Registered Professional Land Surveyor, dated December, 1993.)

Dated this 3rd day of March, 2012.

PAGE, THRAILKILL, AND McDANIEL
Attorneys at Law, P.A., Attorneys for Plaintiffs, by:



PATRICK McDANIEL
Attorney for Plaintiff
Arkansas Bar No. 97133
311 DeQueen Street
Mena, Arkansas 71953
(479) 394-3091

Garland County, AR
I certify this instrument was
filed on 03/07/2012 11:28AM
and recorded in LIS PENDEN Book
17 of pages 0290 - 0291
Jennie Pike - Circuit Clerk

Jennie Pike by DC